

Exhibit A

STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT
WAYNE COUNTY

SUMMONS

CASE NO.
22-001542-NI
Hon. Annette J. Berry

Court address : 2 Woodward Ave., Detroit MI 48226

Court telephone no.: 313-224-4679

Plaintiff's name(s), address(es), and telephone no(s)
Temirbekov, Alex

v

Defendant's name(s), address(es), and telephone no(s).
PNB Trucking, LLC

Plaintiff's attorney, bar no., address, and telephone no

Michael Julius Rothstein 70240
19068 W 10 Mile Rd
Southfield, MI 48075-2401

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☐ this court, ☐ _____ Court,

where it was given case number _____ and assigned to Judge _____.

The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date
2/8/2022Expiration date*
5/10/2022Court clerk
Carlita McMiller

Cathy M. Garrett- Wayne County Clerk.

*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

MC 01 (9/19)

SUMMONS

MCR 1.109(D), MCR 2.102(B), MCR 2.103, MCR 2.104, MCR 2.105



STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

ALEX TEMIRBEKOV,

Plaintiff,

v.

LILIYA NIKOLAYEVNA BABARYKINA
and PNB TRUCKING, LLC,

Defendants.

CASE NO. 22- -NI

HON.

LAWRENCE R. ROTHSTEIN (P19697)
MICHAEL J. ROTHSTEIN (P70240)
ROTHSTEIN LAW GROUP PLC
Attorneys for Plaintiff
19068 W. Ten Mile Road
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mjr@rothsteinlawgroup.com

There is no other pending or resolved civil action arising
out of the same transaction or occurrence as alleged in this
Complaint.

/s/ Michael J. Rothstein
MICHAEL J. ROTHSTEIN (P70240)

COMPLAINT AND DEMAND FOR JURY TRIAL

NOW COMES Plaintiff herein, ALEX TEMIRBEKOV, by and through his attorneys,
ROTHSTEIN LAW GROUP PLC, and in support of his Complaint against Defendants, LILIYA
NIKOLAYEVNA BABARYKINA and PNB TRUCKING, LLC, shows unto this Honorable
Court as follows:

GENERAL ALLEGATIONS

1. That Plaintiff, ALEX TEMIRBEKOV, is a resident of the City of Sunny Isles
Beach, County of Miami-Dade, State of Florida.

2. That based upon information and belief, Defendant, PNB TRUCKNG, LLC, (hereinafter sometimes referred to as "Defendant-Owner") at all times relevant herein conducted business at 1911 SW Campus Dr., Federal Way Tacoma, WA 98023.

3. That based upon information and belief, Defendant, LILIYA NIKOLAYEVNA BABARYKINA, (hereinafter sometimes referred to as "Defendant-Driver") was an employee, servant and/or agent of Defendant, PNB TRUCKING, LLC, and at all times relevant herein resided at 1321 E. 42nd St., Tacoma, WA 98404.

4. That this case involves a motor vehicle accident which occurred on or about September 16, 2021, in the Township of Van Buren, County of Wayne, State of Michigan.

5. That the amount in controversy herein exceeds the sum of Twenty-Five Thousand and 00/100 (\$25,000.00) Dollars, exclusive of interest, costs, and attorney fees.

COUNT I – NEGLIGENCE BY DEFENDANT,
LILIYA NIKOLAYEVNA BABARYKINA

6. Plaintiff herein reincorporates and realleges Paragraphs 1 through 5 of the Allegations of this Complaint with the same force and effect as if same were set forth in full hereunder, and further states:

7. That on or about September 16, 2021, Plaintiff was operating a certain 2014 White International Truck bearing New York License Plate Number 63946NA and Vin Number 1HTMMAAL6EH032354 (hereinafter referred to as "Plaintiff's vehicle").

8. That based upon information and belief, Defendant, LILIYA NIKOLAYEVNA BABARYKINA, at all times relevant herein, was the operator of a motor vehicle identified as a 2015 Maroon Volvo described in the police report as a "Semi trailer utility van box", bearing Washington License Plate Number 65034RP and VIN Number 4N4VC9EH3FN915604 (sometimes herein referred to as "Defendant's vehicle"), and was responsible for the use,

operation, maintenance, and was in control of same at the time of the subject motor vehicle accident.

9. That on or about September 16, 2021, Defendant-Driver was operating said vehicle while traveling Southbound on I-275 at or near Ecorse Rd., in the Township of Van Buren, County of Wayne, State of Michigan, when she struck plaintiff's vehicle in the rear causing a motor vehicle collision with the Plaintiff's vehicle.

10. That at all times relevant and material hereto, it was the duty of Defendant-Driver to operate said vehicle in a safe and reasonable manner and exercise such due care in such vehicle's operation as the rules of the common law require and in accordance with the laws of the State of Michigan and all subdivision thereof having jurisdiction.

11. That, contrary to the duties set forth above and below, Defendant-Driver was negligent, careless, reckless, and guilty of willful and wanton disregard of the lives and safety of individuals such as Plaintiff in the operation of Defendant's motor vehicle, and further breached the aforesaid duties owed to Plaintiff, both statutory and common law, by way of illustration and not limitation:

A. Failing to operate her vehicle in a reasonably careful and prudent manner, and failing to keep her vehicle under control so as to avoid a collision;

B. Driving her vehicle on the highway and/or roadway carelessly and heedlessly in willful disregard of the safety of others, without due caution and circumspection, so as to endanger persons and property;

C. Failing to make reasonable and proper observations and draw reasonable and proper conclusions which were necessary at the time so as to avoid the motor vehicle accident with another vehicle;

D. Operating her vehicle in a reckless manner without regard for the safety of others in violation of numerous Michigan Statutes;

E. Failing to operate her vehicle at a safe speed which was reasonable and proper and within consideration for the then-existing conditions;

F. Failing to stop within the assured clear distance ahead;

G. Committing other acts and/or omissions which constitute breaches of duties owed Plaintiff with respect to the operation of a motor vehicle, which Plaintiff reserves the right to add at a later date.

12. That in the happening of the aforesaid accident, Plaintiff herein was not negligent.

13. That as a direct and proximate result of the aforementioned breaches of duties and negligence of Defendant-Driver, Plaintiff was caused to and will likely continue to suffer severe, serious, painful, permanent, and/or disabling injuries, physical and/or psychological, including serious impairment(s) of body function(s) and/or permanent serious disfigurement.

14. That as a direct and proximate result of the aforementioned negligence and breaches of duties of Defendant-Driver, Plaintiff herein was made to suffer serious and disabling injuries; including but not limited to injuries to his skeletal, nervous, cardiovascular and/or musculoskeletal systems, and injuries to the muscles, tendons, ligaments, nerves, bones and tissues of his head, back, neck, and/or other parts of his body, and/or aggravation of pre-existing conditions as well as other serious and disabling injuries, the nature and extent of which are not completely known at this time.

15. That as a result of the aforesaid accident, Plaintiff suffered, and will likely continue to suffer, great pain, discomfort, embarrassment, mental anguish, psychological trauma, depression, gross anxiety, and inconvenience.

16. That prior to the accident, Plaintiff herein was in reasonably good health and was able to and did participate in most of the usual activities of life, but since said accident, Plaintiff has been under medical care and in a state of continued pain, stress, and discomfort, all preventing him from engaging in many of those activities he engaged in prior to the accident.

17. That as a direct and proximate result of the subject automobile accident, Plaintiff, was made to suffer serious and disabling injuries as hereinabove described.

18. That the aforesaid injuries and damages sustained by Plaintiff constitute a serious impairment of a body function(s) and/or serious permanent disfigurement.

19. That as a direct and proximate result of the motor vehicle accident and the injuries Plaintiff sustained therein, Plaintiff has sought and obtained continued medical treatment and attention, including, but not limited to hospital, doctor, therapist, and/or nursing services, and will likely require medical treatment in the future.

20. That as a direct and proximate result of the subject automobile accident, Plaintiff, has and continues to incur economic loss including but not limited to property damage, wage loss and medical expenses.

WHEREFORE, Plaintiff herein, ALEX TEMIRBEKOV, prays that this Honorable Court grant judgment in favor of Plaintiff and against Defendant, LILIYA NIKOLAYEVNA BABARYKINA, in whatever amount Plaintiff is found to be entitled, together with interest, costs, and attorney fees.

COUNT II – OWNERSHIP LIABILITY OF
DEFENDANT, PNB TRUCKING, LLC

21. Plaintiff herein reincorporates and realleges Paragraphs 1 through 20 of the Allegations of this Complaint with the same force and effect as if same were set forth in full hereunder, and further states:

22. That based upon information and belief, at all times relevant herein Defendant, PNB TRUCKING, LLC, was the sole and/or co-owner(s) of the vehicle that Defendant, LILIYA NIKOLAYEVNA BABARYKINA, was operating at the time of the aforementioned motor vehicle accident.

23. That Defendant, LILIYA NIKOLAYEVNA BABARYKINA, was operating Defendant-Owner's vehicle with the full consent and knowledge of Defendant-Owner, PNB TRUCKING, LLC, and accordingly Defendant, PNB TRUCKING, LLC, is liable and responsible for all damages sustained by Plaintiff proximately caused by Defendant-Driver's negligence pursuant to MCL 257.401 et. seq., as amended, and other applicable statutes of the State of Michigan governing owner's liability for the negligent operation of motor vehicles and the common law of the State of Michigan.

WHEREFORE, Plaintiff herein, ALEX TEMIRBEKOV, prays that this Honorable Court grant judgment in favor of Plaintiff and against Defendant, PNB TRUCKING, LLC, in whatever amount Plaintiff is found to be entitled, together with interest, costs, and attorney fees.

COUNT III – NEGLIGENT ENTRUSTMENT
AGAINST DEFENDANT, PNB TRUCKING, LLC

24. Plaintiff herein reincorporates and realleges Paragraphs 1 through 23 of the Allegations of this Complaint with the same force and effect as if same were set forth in full hereunder, and further states:

25. That on or about September 16, 2021, PNB TRUCKING, LLC, entrusted Defendant's vehicle, a potentially dangerous instrumentality, to Defendant-Driver, LILIYA NIKOLAYEVNA BABARYKINA, who based upon information and belief, Defendant-Owner, PNB TRUCKING, LLC, knew, or should have known, was not a reasonably prudent driver and who may endanger others with said instrumentality.

26. Defendant-Owner, PNB TRUCKING, LLC, is responsible for any and all damages sustained by Plaintiff in this matter as heretofore and hereinafter alleged which were caused as a result of the negligent operation of the said motor vehicle by Defendant-Driver, LILIYA NIKOLAYEVNA BABARYKINA.

WHEREFORE, Plaintiff herein, ALEX TEMIRBEKOV, prays that this Honorable Court grant judgment in favor of Plaintiff and against Defendant, PNB TRUCKING, LLC, in whatever amount Plaintiff is found to be entitled, together with interest, costs, and attorney fees.

**COUNT IV– RESPONDEAT SUPERIOR AGAINST
DEFENDANT, PNB TRUCKING, LLC**

27. Plaintiff herein reincorporates and realleges Paragraphs 1 through 26 of the Allegations of this Complaint with the same force and effect as if same were set forth in full hereunder, and further states:

28. That on or about September 16, 2021, Defendant, PNB TRUCKING, LLC, was the owner and/or co-owner of said vehicle, operated by Defendant, LILIYA NIKOLAYEVNA BABARYKINA.

29. That on or about September 16, 2021, Defendant, LILIYA NIKOLAYEVNA BABARYKINA, was an employee, servant and/or agent of said Defendant, PNB TRUCKING, LLC.

30. That on or about September 16, 2021, and at the time of the aforesaid collision, Defendant, LILIYA NIKOLAYEVNA BABARYKINA, was operating said motor vehicle with the express and/or implied consent of Defendant, PNB TRUCKING LLC.

31. That on or about September 16, 2021, Defendant, PNB TRUCKING, knew or should have known that Defendant, LILIYA NIKOLAYEVNA BABARYKINA, was operating said motor vehicle.

32. That on or about September 16, 2021, and at the time of the aforesaid accident, Defendant, LILIYA NIKOLAYEVNA BABARYKINA, was operating said motor vehicle during the course of her employment and/or agency for Defendant, PNB TRUCKING LLC, and during the course of his regular duties for said Defendant.

33. That Defendant, PNB TRUCKING LLC, is liable for the injuries and damages sustained by Plaintiff as a result of the negligence of Defendant, LILIYA NIKOLAYEVNA BABARYKINA, their servant, employee, and/or agent pursuant to the Doctrine of *Respondeat Superior*.

WHEREFORE, Plaintiff herein, ALEX TEMIRBEKOV, prays that this Honorable Court grant judgment in favor of Plaintiff and against Defendant, PNB TRUCKING LLC, in whatever amount Plaintiff is found to be entitled, together with interests, costs, and attorney fees.

Respectfully submitted,

ROTHSTEIN LAW GROUP PLC

/s/ Michael J. Rothstein
MICHAEL J. ROTHSTEIN (P70240)
Attorney for Plaintiff
19068 W. Ten Mile Road
Southfield, MI 48075
(248) 355-2048

Dated: February 8, 2022

22-001542-NI FILED IN MY OFFICE Cathy M. Garrett WAYNE COUNTY CLERK 2/8/2022 11:58 AM Carlita McMiller

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

ALEX TEMIRBEKOV,

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mjr@rothsteinlawgroup.com

DEMAND FOR JURY TRIAL

NOW COMES Plaintiff herein, ALEX TEMIRBEKOV, by and through his attorneys, ROTHSTEIN LAW GROUP PLC, and hereby demands a trial by jury as to any and all issues so triable in the captioned matter.

Respectfully submitted,

ROTHSTEIN LAW GROUP PLC

/s/ Michael J. Rothstein
MICHAEL J. ROTHSTEIN (P70240)
Attorney for Plaintiff
19068 W. Ten Mile Road
Southfield, MI 48075
(248) 355-2048

Dated: February 8, 2022